

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

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|------------------|---|--------------------------|
| David Reynolds, |) | C/A No. 2:10-394-JFA-RSC |
| |) | |
| Plaintiff, |) | |
| vs. |) | |
| |) | ORDER |
| U.S. Government, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

The *pro se* plaintiff, David Reynolds, a federal prisoner incarcerated at the Federal Medical Center in Butner, North Carolina, brings this action pursuant to 42 U.S.C. Section 1983. He contends that he was taken into federal custody on “fake” criminal charges and that he has been subjected to excessive force and torture by the defendants, comparing his incarceration to a “Nazi torture camp.”

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this action should be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge notes that on February 25, 2010, an order was entered providing the plaintiff with an opportunity to bring this case into proper form. The plaintiff failed to respond to the order, specifically failing to provide the documents the court requested, and failing to pay the requisite filing fee or completion of an application to proceed *in forma pauperis*. The Magistrate Judge further suggests that the case should be dismissed as frivolous pursuant to Section 1915A(b)(1).

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on April 2, 2010. However, the plaintiff did not file any objections to the Report within the time limits prescribed.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed with prejudice for failure to prosecute under Fed.R.Civ.P. Rule 41(b).

IT IS SO ORDERED.

April 23, 2010
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge